

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	
	)	Chapter 11
GOLFVIEW DEVELOPMENTAL CENTER,	)	
INC.,	)	Case No. 05-27057
	)	
Debtor.	)	Honorable Jacqueline P. Cox
	)	
	)	Hearing Date: August 18, 2010
	)	Hearing Time: 9:30 a.m.

**NOTICE OF FINAL APPLICATION OF POLSINELLI  
SHUGHART PC FOR ALLOWANCE OF COMPENSATION AND  
REIMBURSEMENT OF EXPENSES AS SPECIAL COUNSEL TO THE DEBTOR**

**PLEASE TAKE NOTICE** that on July 28, 2010, Polsinelli Shughart PC filed its **Final Application of Polsinelli Shughart PC for Allowance of Compensation and Reimbursement of Expenses as Special Counsel to the Debtor** (the "Application") with the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division. The Application requests final approval of fees and expenses incurred for the time period July 14, 2008 through and including July 13, 2010 in the total amount of \$79,364.31.

**PLEASE TAKE FURTHER NOTICE** that the hearing on the Application is scheduled before the Honorable Jacqueline P. Cox, or any judge sitting in her stead, in Courtroom 619 at the Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604, on **August 18, 2010 at 9:30 a.m.**, or as soon thereafter as counsel may be heard.

Respectfully submitted,

**POLSINELLI SHUGHART PC**

Date: July 28, 2010 By: /s/ Jean Soh

Charles P. Sheets (ARDC # 6184912)  
Jason T. Lundy (ARDC # 6270191)

Jean Soh (ARDC # 6285187)  
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SPECIAL MEDICAID AND MEDICARE COUNSEL TO THE DEBTOR

**CERTIFICATE OF SERVICE**

I, Jean Soh, certify that on July 28, 2010, I served this Notice of Motion and the document referred to herein to all persons who have followed the electronic notice procedures in the above-referenced case by electronically filing the same with the United States Bankruptcy Court and to the parties on the attached service list via United States Postal Service, first class postage pre-paid.

/s/ Jean Soh

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Springfield, IL 62794

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Elk Grove Village, IL 60007

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Northern Illinois Clinical Lab  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	
	)	Chapter 11
GOLFVIEW DEVELOPMENTAL CENTER, INC.,	)	Case No. 05-27057
	)	
Debtor.	)	
	)	Honorable Jacqueline P. Cox
	)	

**SUMMARY COVER SHEET FOR FINAL APPLICATION OF POLSINELLI  
SHUGHART PC FOR ALLOWANCE OF COMPENSATION AND  
REIMBURSEMENT OF EXPENSES AS SPECIAL COUNSEL TO THE DEBTOR**

- A. Name of Applicant: Charles P. Sheets, Jason T. Lundy, Jean Soh and the shareholders, associates and paralegals of Polsinelli Shughart PC (collectively "Polsinelli").
- B. Authorized to Provide Professional Services to: Golfview Developmental Center, Inc. ("Debtor").
- C. Date of Order Authorizing Employment: July 16, 2008 appointing Polsinelli as Special Medicaid and Medicare Counsel for the Debtor, effective as of July 14, 2008.
- D. Period for Which Compensation and Reimbursement Is Sought: From July 14, 2008 through and including July 13, 2010.
- E. Amount of Fees Sought: \$ 75,003.00.
- F. Amount of Expense Reimbursement Sought: \$4,361.31.
- G. This is an: Final fee application.
- H. Prior Fee Applications:

DATE FILED	PERIOD COVERED	TOTAL REQUESTED (FEES & EXPENSES)	TOTAL ALLOWED (FEES & EXPENSES)	FEES & EXPENSES PREVIOUSLY PAID
September 26, 2008	July 14, 2008 through and including September 16, 2008	\$5,995.30 (\$5,989.50 – fees, \$5.80 – expenses)	\$5,995.30 (\$5,989.50 – fees, \$5.80 – expenses)	\$5,995.30
January 26, 2009	September 17, 2008 through and including January 20, 2009	\$15,041.06 (\$14,706.50– fees, \$334.56 – expenses), as amended and reduced in open court to \$13,258.06 (\$13,069.00 – fees, \$189.16 – expenses)	\$13,063.16 (\$12,880.00 – fees, \$183.16 – expenses)	\$13,063.16
August 7, 2009 as amended September 10, 2009	January 21, 2009 through and including June 24, 2009	\$13,941.27 (\$13,612.00– fees, \$329.27– expenses)	\$13,941.27 (\$13,612.00– fees, \$329.27– expenses)	\$13,941.27
December 2, 2009	March 20, 2009 through and including November 25, 2009	\$10,259.90 (\$10,147.50– fees, \$112.40–expenses)	\$10,259.90 (\$10,147.50–fees, \$112.40–expenses)	\$10,259.90
April 14, 2010	November 29, 2009 through and including February 26, 2010	\$14,743.30 (\$13,120.50 – fees, \$1,622.80 – expenses)	\$14,743.30 (\$13,120.50 – fees, \$1,622.80 – expenses)	\$14,743.30
July 28, 2010	March 2, 2010 through and including July 13, 2010	\$21,361.38 (\$19,253.50 – fees, \$2,107.88 – expenses)		

Respectfully submitted,

**POLSINELLI SHUGHART PC**

Date: July 28, 2010 By: /s/ Jean Soh

Charles P. Sheets (ARDC # 6184912)  
Jason T. Lundy (ARDC # 6270191)  
Jean Soh (ARDC # 6285187)  
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SPECIAL MEDICAID AND MEDICARE COUNSEL TO THE DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	
	)	Chapter 11
GOLFVIEW DEVELOPMENTAL CENTER,	)	Case No. 05-27057
INC.,	)	
	)	
Debtor.	)	Honorable Jacqueline P. Cox
	)	

**FINAL APPLICATION OF POLSINELLI SHUGHART PC  
FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT  
OF EXPENSES AS SPECIAL COUNSEL TO THE DEBTOR**

Special Medicaid and Medicare counsel for the Debtor, Charles P. Sheets, Jason T. Lundy, Fredric Entin, Matthew Murer, and the shareholders, associates and paralegals of Polsinelli Shughart PC (collectively "Polsinelli"), pursuant to sections 327, 328, 330 and 331 of title 11 of the United States Code (the "Bankruptcy Code"), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), Rule 5082-1 of the Local Rules of the United States Bankruptcy Court for the Northern District of Illinois (the "Local Rules"), and the United States Trustee Fee Guidelines — Guidelines for Reviewing Applications for Compensation and Reimbursement of Disbursements Filed under 11 U.S.C. § 330 (Appendix A to 28 C.F.R. § 58) (the "UST Guidelines"), hereby submits this final application (the "Application") for compensation of services rendered and reimbursement of expenses incurred on behalf of the Debtor for the period from July 14, 2008 through July 13, 2010 (the "Final Compensation Period"), seeking allowance of (i) \$75,003.00 for the actual, reasonable, and necessary legal services rendered by Polsinelli, and (ii) \$4,361.31 for the actual, reasonable and necessary expenses incurred by Polsinelli. In support of the Application, Polsinelli respectfully states as follows:

### **BACKGROUND AND JURISDICTION**

1. The Debtor and Debtor in Possession, Golfview Developmental Center, Inc. (the "Debtor") commenced the above-captioned case when it filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code (11 U.S.C. §101 *et. seq.*, hereinafter the hereinafter the "Code") on July 7, 2005 (the "Petition Date").

2. Pursuant to sections 1107(a) and 1108 of the Bankruptcy Code, the Debtor has continued in the management and possession of its business as debtor in possession since the Petition Date.

3. No trustee or examiner has been appointed in this chapter 11 case, and no committee has been appointed or designated.

4. The Court authorized Polsinelli's retention as Debtor's Special Medicare and Medicaid Counsel effective as of July 14, 2007 (the "Employment Order") (Docket #190), pursuant to 11 U.S.C. §§327 and 1103.

5. This Court has jurisdiction over the Application pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief requested herein are sections 327, 328, 330 and 331 of the Bankruptcy Code, as supplemented by Bankruptcy Rule 2016, Local Rule 5082-1, and the UST Guidelines.

### **RELIEF REQUESTED**

6. This is Polsinelli's Final Application for the payment of its fees and expenses and Polsinelli submits this Final Application pursuant to the Federal Rules of Bankruptcy Procedure and all applicable local rules.

7. Polsinelli filed the following fee applications:

- a. On September 26, 2008, the First Interim Fee Application covering July 14, 2008 through and including September 16, 2008 in the amount of \$5,989.50 for fees and \$5.80 in expenses [Docket No. 201].
- b. On January 26, 2009, the Second Interim Fee Application covering September 17, 2008 through and including January 20, 2009 in the amount of \$14,706.50 for fees, as amended and reduced in open court to \$13,069.00, and \$334.56 in expenses, as amended and reduced in open court to \$189.16 [Docket No. 217].
- c. On August 7, 2009 as amended September 10, 2009, the Third Interim Fee Application covering January 21, 2009 through and including June 24, 2009 in the amount of \$13,612.00 for fees and \$329.27 in expenses [Docket No. 234];
- d. On December 2, 2009, the Fourth Interim Fee Application covering March 20, 2009 through and including November 25, 2009 in the amount of \$10,147.50 for fees and \$112.40 in expenses [Docket No. 252];
- e. On April 14, 2010, the Fifth Interim Fee Application covering November 29, 2009 through and including February 26, 2010 in the amount of \$13,120.50 for fees and \$1,622.80 in expenses [Docket No. 272];
- f. On July 28, 2010, concurrently filed is the Sixth Interim Fee Application covering March 2, 2010 through and including July 13, 2010 in the amount of \$19,253.50 for fees and \$2,107.88 in expenses.

8. By this Application, Polsinelli seeks final approval of the above fee applications in the total amount of \$75,003.00 for fees and \$4,361.31 in expenses for the Final Compensation Period.

### SUMMARY OF PRINCIPAL SERVICES RENDERED

9. In general, the services that Polsinelli rendered the Debtor as its Special Medicare and Medicaid Counsel included, without limitation, the following: (a) contesting the capital component of the per diem reimbursement rate; (b) handling matters concerning the State's audits and inspections; (c) addressing any other regulatory matters that arose during the pendency of this case; (d) acting on the Debtor's guardianship matters; (e) preparing, filing and presentation of fee applications; (f) attainment of Medicaid payment for services rendered; and (g) responses to audit request.

10. Attached hereto as **Exhibit A** is a summary statement of all principal activities performed by Polsinelli, providing the total compensation requested in connection with each activity, further described below. During the Final Compensation Period, Polsinelli billed a total of 239.30 hours.

11. Attached hereto as **Exhibit B** is a list of the name and position of each person who performed work on each task and activity, the approximate number of hours worked during the Final Compensation Period, the average hourly rate for each professional and paraprofessional for whom compensation is requested, and the total compensation sought for each person's work.

### SERVICES RENDERED BY MATTER CATEGORIES

12. To assist the Court, creditors and other parties in interest to evaluate this final fee application and determine the reasonableness of the requested compensation and cost reimbursement, Polsinelli has designated nine categories of services. Group **Exhibit C** attached hereto (a) identifies the individuals that rendered services in each category; (b) describes each activity or service that each individual performed; (c) including the date the work was



performed; (d) provides a statement of the nature of the work; (e) states the number of hours (in increments of one-tenth of an hour) spent by each individual providing the services; and (f) provides the fee charged for the work described in each entry.

a. Fee Applications

Time spent in this category was dedicated to the preparation, filing, reconciliation and presentation of all interim fee applications.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	2.30	\$1,092.50
Jean Soh (Associate)	37.10	\$8,802.50
TOTAL:	39.40	\$9,895.00

b. Medicare and Medicaid Related Services

Time spent in this category related to the time spent as special health care counsel to Debtor, mostly continuing negotiations of a higher Medicaid reimbursement rate from the Illinois Department of Human Services, in order to increase revenue. Specifically, Polsinelli monitored legislative policies, requested hardship and expedited payments, and conducted analyses of safety code deficiencies.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	10.40	\$4,940.00
Jason T. Lundy (Partner)	2.80	\$910.00
TOTAL:	13.20	\$5,850.00

c. Safety Code Issues

Time spent in this category primarily related to the IDPH Life Safety Code Survey, drafting temporary waiver requests in response, researching definition and scope of "abuse," as

well as exchanging correspondence with the IDPH regarding citations and corrective actions. This category included research for a key-lock safety system for compliance with Life Safety Code restrictions for means of egress, and application for same in IDPH Plan Review submission.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	2.20	\$1,045.00
Jason T. Lundy (Partner)	45.60	\$15,067.50
Kathryn M. Stalmack (Associate)	5.10	\$1,326.00
Jean Soh (Associate)	0.90	\$211.50
TOTAL:	53.80	\$17,650.00

d. Non-Profit Issues

Time spent in this category related to discussion of the advantages and disadvantages of conversion from for-profit to non-profit status with counsel with expertise in this area, and included conferences with the client.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	3.60	\$1,710.00
Douglas K. Anning (Partner)	1.50	\$525.00
TOTAL:	5.10	\$2,235.00

e. Guardianship Matters

Time spent in this category related to the Debtor's guardianship matters, including drafting of affidavits and petitions for guardianship and attending hearings for appointment of guardians, seeking replacement guardians by petition, which involved drafting of pleadings, affidavits and presentation of same.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	0.30	\$142.50
Jason T. Lundy (Partner)	2.70	\$901.50
Kathryn M. Stalmack (Associate)	3.60	\$936.00
Carina M.C. Segalini (Associate)	10.95	\$2,641.00
<b>TOTAL:</b>	<b>17.02</b>	<b>\$4,135.00</b>

f. IDPH Litigation

Time was spent in this category primarily related to defense in IDPH litigation, including communications, document review, drafting and responding to discovery requests, developing case strategy, preparations for administrative hearings, and review of Statement of Deficiencies, Statement of Violations and investigation of same.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	0.30	\$142.50
Jason T. Lundy (Partner)	33.80	\$11,492.00
Larry K. Harris (Partner)	0.30	\$97.50
Kathryn M. Stalmack (Associate)	43.10	\$11,206.00
Mary C. Igou (Paralegal)	2.70	\$337.50
<b>TOTAL:</b>	<b>80.20</b>	<b>\$23,275.50</b>

g. Audit

Time spent in this category related to the Debtor's request for an audit response and included the due diligence to generate such response such as review of billing records and the solicitation of responses from timekeepers and the drafting of the response. Also, time was spent addressing possible settlement for audit assessments.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	2.10	\$997.50
Lisa M. Schultes (Senior Partner)	0.40	\$140.00
Shirley R. Parsons (Analyst)	1.50	\$145.00
Shawn McFerrin (Paralegal)	4.40	\$324.00
TOTAL:	8.40	\$1,606.50

h. Rate Cuts and Legislation

Time spent in this category involved conferences regarding reimbursement rate reductions and appropriation and legislation to restore a rate cut in order to increase revenue.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	0.60	\$285.00
TOTAL:	0.60	\$285.00

i. Payment Issues

Time spent in this category related to addressing assessment taxes, including discussion of HFS proposal. It also included acquiring Medicaid payment for services rendered, which included conferences with the client relating to possible rate challenge and lobbyists. Discussions were related to the prompt payment provision and possible legislation of same, replacement of reserves and operating funds for the Debtor, as well as options for expedited payment. Time was expended on preparing for a motion to compel.

Professional/Position	Hours	Fee
Charles P. Sheets (Partner)	21.60	\$10,260.00
TOTAL:	21.60	\$10,260.00

13. The services provided by Polsinelli during the Final Compensation Period were rendered to ensure no unnecessary duplication, and are grouped into the categories set forth in Exhibit A. The attorneys and para-professional who rendered services relating to each category are identified in Exhibit B. For the Final Compensation Period, Polsinelli has incurred a total of \$75,003.00 for legal services rendered.

#### **ACTUAL AND NECESSARY EXPENSES**

14. It is Polsinelli's policy to charge its clients for certain non-overhead expenses incurred in connection with the case that would not have been incurred except for representation of that particular client. It is also Polsinelli's policy to charge its clients only the amount actually incurred by Polsinelli in connection with such items, which include, but are not limited to, long distance telephone charges, mail and express mail charges, messenger delivery, travel expenses, and photocopying charges.

15. The reimbursement of expenses requested by Polsinelli are those expenses normally billed to the firm's clients in other cases. Billing for these expenses is the standard practice for the law firms involved with providing advice to debtors. The expenses and disbursements for which allowance is set forth by date and description on Exhibit D attached hereto, and total \$4,361.31.

#### **STANDARDS FOR APPROVAL OF APPLICATION**

16. United States Bankruptcy Code § 330(a) sets forth the applicable standards for compensation of retained professionals.

17. The rates charged by Polsinelli in their interim fee applications were the usual and customary hourly rates charged by Polsinelli to other clients. These rates are comparable with, or lower than, the rates generally charged by other Chicago law firms that provide legal services

in connection with representation of Chapter 11 debtors. The amounts requested are fair and reasonable given (a) the complexity of this case; (b) the time expended; (c) the nature and extent of the services rendered; (d) the value of such services; and (e) the costs of comparable services other than in a case under the Bankruptcy Code.

18. Polsinelli's final compensation request is reasonable and the services rendered were necessary. Without the efforts of Polsinelli, any significant recovery for creditors would be unlikely.

19. Polsinelli submits that a final award of its interim compensation and expense reimbursement as requested is appropriate in the circumstances of this case.

20. No agreement exists between Polsinelli and any third party for the sharing of compensation received by Polsinelli in connection with this case, except as allowed by United States Bankruptcy Code § 504 and Bankruptcy Rule 2016 with respect to the sharing of compensation among the shareholders and associates of Polsinelli.

21. This is Polsinelli's final fee application in this case.

WHEREFORE, Polsinelli respectfully requests that the Court enter an order:

- a. granting Polsinelli an allowance of final compensation for professional fees in the amount of \$75,003.00;
- b. granting Polsinelli an allowance of expense reimbursement in the amount of \$4,361.31 incurred during this Final Compensation Period; and
- c. granting Polsinelli such other and further relief as may be just.

Respectfully submitted,

**POLSINELLI SHUGHART PC**

Date: July 28, 2010

By: /s/ Jean Soh

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